

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-6 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 are now pending in this application.

The Examiner objected to claims 2-6 as these claims were missing claim reference numbers. Claims 2-6 have been amended to correctly depend off of independent claim 1

The Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Hosogai, U.S. Patent No. 6,182,296. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosogai.

Hosogai teaches a reversible denim jacket where a pair of exterior jacket pockets are superimposed over a pair of interior jacket pockets. The exterior jacket pocket pouches are sewn directly onto the front chest panel members of the jacket. (col. 4, lines 52-53). The interior jacket pocket pouches are sewn directly onto the interior surface of the front of the jacket. (col. 4, lines 59-62). Hosogai therefore teaches a reversible denim jacket where the exterior jacket pockets are superimposed over the interior jacket pockets. Hosogai, however, does not teach a garment, specifically a shirt, wherein the interior pocket is reinforced to the garment with an outside panel. The material properties of a garment, specifically a shirt, differ drastically from those of a reversible denim jacket in that in most instances the thickness and tensile strength of denim is much greater than the materials generally used to construct shirts such as cloth, cotton, linen and wool. An interior pocket may therefore be sewn directly on to the interior surface of

the reversible denim jacket and due to the properties of the denim be strong enough to bear a load but such an interior pocket could not be sewn directly on to the interior surface of a shirt because it would not be strong enough to bear such a load.

The present application has the advantage of teaching a garment, specifically a shirt, wherein the interior pocket is attached to the inside of the front panel of the shirt and is further reinforced by the outside panel. The interior pockets and interior pocket are affixed to the front panel using any conventional threads or fasteners which penetrate the outside panel, the front panel and the interior pocket to form a secure interior pocket that is capable of bearing a load such as a user's personal items. The unique design of the outside panel not only secures the interior pocket but further conceals the appearance of an interior pocket. Further, the use of an outside panel allows the user to personalize the shirt with embroidery, logos, badges or any type of ornamentation.

While Hosogai discloses a reversible denim jacket where the exterior jacket pockets are superimposed over the interior jacket pockets, Hosogai does not teach a garment, specifically a shirt, wherein an interior pocket is attached to the inside of the front panel of the shirt and is further reinforced by an outside panel. Due to the differences in material properties between a denim jacket and a shirt that is generally constructed from material such as cloth, cotton, linen and wool, Hosogai does not teach a practical design for an interior pocket of a shirt.

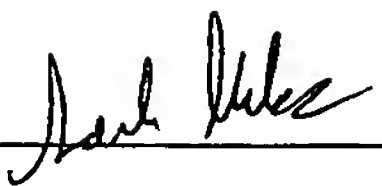
Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17.

Respectfully submitted,

Date: 8/3/06

By: 

Soula Skokos, Esq. Registration No. 55, 624

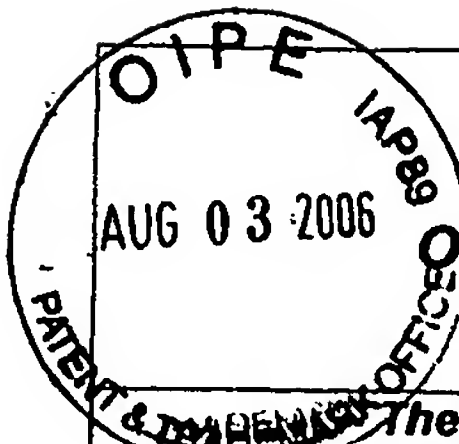
Attorney for Applicant

SKOKOS LAW GROUP, LLC

Telephone: (630) 368-1699

Facsimile: (630) 368-3586

Customer No: 000051519



**Office Action Summary**

Application No.

10/707,404

Applicant(s)

VITALLO, NUGENT

Examiner

Alissa J. Tompkins

Art Unit

3765

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

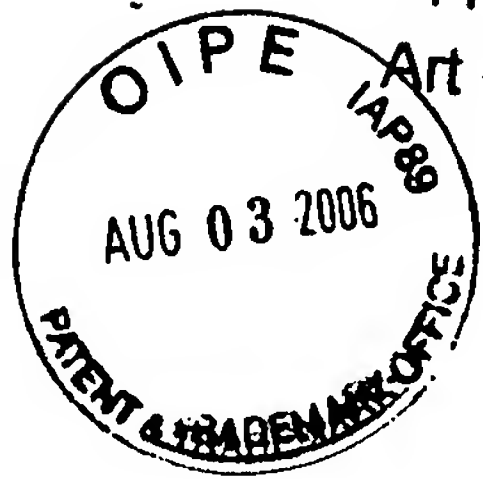
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Objections***

Claims 2-6 are objected to because of the following informalities: The claim reference numbers are missing. The case has been examined as if claims 2-6 depend off of independent claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosogai (U.S. 6,182,296). Hosogai discloses a reversible denim jacket 50 having a front surface that covers the wearer's torso when worn. The jacket is made out of a conventional denim fabric (Column 4, 49). The jacket comprises a pair of exterior jacket pocket pouches 52, which are superimposed over a pair of interior jacket pocket pouches 60 (Figures 5 and 7). The pockets are sewn directly to the exterior and interior surfaces 140 and 150 of the jacket respectively (Column 4, 52-53, 60-61). The jacket would be

capable of being worn as a shirt, since a shirt and a jacket have the same body structure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosogai (U.S. 6,182,296). Hosogai discloses the invention substantially as applied in claims 1-5 above. However, Hosogai is missing an outside panel with a metallic piece. Hosogai shows a jacket 50 having exterior panels/pockets 52 that overlie interior pockets 60. The exterior panels/pockets have buttons 100 for securing the pockets (Figure 5). It is well known in the art that buttons are commonly formed from metal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used metal buttons so as to provide the pockets with a reliable means of closure.



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### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gross (U.S. 2,763,011) and Palumbo (U.S. 2003/0070206) show reversible garments having pockets. Abbott (U.S. 2,604,627), Eggen (U.S. 5,611,086), and Kensic (U.S. 2006/0026735) show garments having interior pockets. Williamson (U.S. 3,835,474) and Jenkins (U.S. 1,832,214) show pocket constructions. Wiesenthal (U.S. 6,175,966) shows a garment with pockets. Stanislaw (U.S. 5,165,115) and Spector (U.S. 4,899,395) show concealed pockets. Easton (U.S. 4,656,673) and White (U.S. 4,651,355) show attachable pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272-3425. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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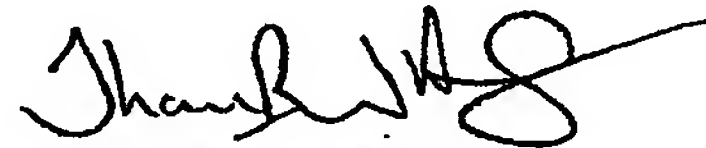
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alissa Tompkins  
Patent Examiner  
Art Unit 3765  
June 8, 2006

AJT

  
SHAUN R. HURLEY  
PRIMARY EXAMINER